

# **EXHIBIT B**

**Chapa, Justin R.**

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**From:** Andrew Stephens <andrew@hackerstephens.com>  
**Sent:** Thursday, August 18, 2022 11:54 AM  
**To:** Ashby, Danny S.; Chapa, Justin R.; Bittner, Tyler C.; Godesky, Leah; Margolis, Craig D.; Lollar, Tirzah; Hussain, Murad S.; Odell, Christopher M.; Raymond Winter; Amy Hilton; Santella, Amanda M.  
**Cc:** Heather Hacker  
**Subject:** RE: US ex rel Doe v. Planned Parenthood  
**Categories:** In DM, #80867063 : 0674061 : 00003

[EXTERNAL MESSAGE]

Danny,

Our objection is to every document you have designated as confidential or AEO other than those that contain protected health information or personal identifying information listed in example (1)-(6) in Paragraph 2 of the Protective order. If you can provide us with the basis for your designations of documents not containing those items, we may be able to withdraw our objections to some of the documents. Let us know when you want to meet and confer.

Andrew

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**From:** Ashby, Danny S. <dashby@omm.com>  
**Sent:** Wednesday, August 17, 2022 4:30 PM  
**To:** Andrew Stephens <andrew@hackerstephens.com>; Chapa, Justin R. <jchapa@omm.com>; Bittner, Tyler C. <tbittner@omm.com>; Godesky, Leah <lgodesky@omm.com>; Margolis, Craig D. <Craig.Margolis@arnoldporter.com>; Lollar, Tirzah <Tirzah.Lollar@arnoldporter.com>; Hussain, Murad S. <Murad.Hussain@arnoldporter.com>; Odell, Christopher M. <Christopher.Odell@arnoldporter.com>; Raymond Winter <Raymond.Winter@oag.texas.gov>; Amy Hilton <Amy.Hilton@oag.texas.gov>; Santella, Amanda M. <asantella@omm.com>  
**Cc:** Heather Hacker <heather@hackerstephens.com>  
**Subject:** RE: US ex rel Doe v. Planned Parenthood

Hi Andrew -

I'm afraid I'm not following your objection. The "Confidential" designation in the protective order includes other information beyond "protected health information," and the "Attorneys Eyes Only" designation extends to other information beyond the personally identifying information listed in examples 1-6 of Paragraph 2 of the Protective Order. Also, we did not use those designations in a purely prophylactic manner, as you suggest, so if there are specific documents that you believe are mismarked, we would ask that you please identify those (or at least provide some examples as a starting point) so we can address any concerns. Thanks.

Danny

Danny S. Ashby

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**From:** Andrew Stephens <[andrew@hackerstephens.com](mailto:andrew@hackerstephens.com)>

**Sent:** Wednesday, August 17, 2022 1:37 PM

**To:** Ashby, Danny S. <[dashby@omm.com](mailto:dashby@omm.com)>; Chapa, Justin R. <[jchapa@omm.com](mailto:jchapa@omm.com)>; Bittner, Tyler C. <[tbittner@omm.com](mailto:tbittner@omm.com)>; Godesky, Leah <[lgodesky@omm.com](mailto:lgodesky@omm.com)>; Margolis, Craig D. <[Craig.Margolis@arnoldporter.com](mailto:Craig.Margolis@arnoldporter.com)>; Lollar, Tirzah <[Tirzah.Lollar@arnoldporter.com](mailto:Tirzah.Lollar@arnoldporter.com)>; Hussain, Murad S. <[Murad.Hussain@arnoldporter.com](mailto:Murad.Hussain@arnoldporter.com)>; Odell, Christopher M. <[Christopher.Odell@arnoldporter.com](mailto:Christopher.Odell@arnoldporter.com)>; Raymond Winter <[Raymond.Winter@oag.texas.gov](mailto:Raymond.Winter@oag.texas.gov)>; Amy Hilton <[Amy.Hilton@oag.texas.gov](mailto:Amy.Hilton@oag.texas.gov)>; Santella, Amanda M. <[asantella@omm.com](mailto:asantella@omm.com)>

**Cc:** Heather Hacker <[heather@hackerstephens.com](mailto:heather@hackerstephens.com)>

**Subject:** US ex rel Doe v. Planned Parenthood

[EXTERNAL MESSAGE]

Danny,

We have reviewed PPFA's document productions and this email serves as our written objection and request under Paragraph 7 of the Protective Order that you change the designations of (1) all documents marked "Confidential" that do not contain "protected health information" as defined by Paragraph 2 of the Protective Order and (2) all documents marked "Attorney Eyes Only" that do not contain Personal Identification Information listed in examples 1-6 of Paragraph 2 of the Protective Order.

In addition, it appears that almost every non-public document that PPFA produced is designated either "Confidential" or "Attorney Eyes Only," with a significant majority being designated "Attorney Eyes Only." Thus, it appears that you have "used such designations in a purely prophylactic manner," which violates Paragraph 8 of the Protective Order.

We are available to meet and confer on this issue pursuant to Paragraph 7 of the Protective Order.

Andrew

**Andrew B. Stephens**

Partner

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